

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FREDERICK LYNCH)	
)	
Plaintiffs,)	Civil Action File No.
vs.)	1:14-cv-03811-AT-GGB
)	
CAVALRY SPV LLC)	
FREDERICK J HANNAH & ASSOCIATES))	
)	
Defendants.)	
_____)	

DEFENDANT CAVALRY SPV LLC’S ANSWER

COMES NOW, Cavalry SPV I, LLC, misidentified in the Complaint as “Cavalry SPV LLC”, Defendant in the above-referenced action (hereinafter “Cavalry”), and files this Answer in response to the Plaintiff’s Complaint as follows:

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim against Cavalry upon which relief may be granted.

SECOND DEFENSE

Any act or omission by Cavalry, if determined to be in violation of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, was not intentional and was the result of a *bona fide* error notwithstanding the maintenance

of procedures reasonably adapted to avoid any such error. Accordingly, Cavalry would have no liability pursuant to 15 U.S.C. § 1692k(c).

THIRD DEFENSE

Plaintiff has not been damaged; therefore, Plaintiff may not recover against Cavalry.

FOURTH DEFENSE

Plaintiff's claims are or may be subject to an arbitration agreement requiring him to submit his claims to mandatory and binding arbitration. If so, Cavalry will exercise its right to arbitration under the agreement, which is specifically enforceable pursuant to the Federal Arbitration Act, 9 U.S.C. Section 1, *et. seq.*

FIFTH DEFENSE

Cavalry had prior express consent to contact Plaintiff on her cellular telephone.

SIXTH DEFENSE

Some, or all, of Plaintiff's claims may be barred by the applicable statutes of limitations.

SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of recoupment and/or set-off.

Subject to the foregoing defenses and without waiving same, Cavalry responds to the individually numbered paragraphs of Plaintiff's complaint as follows:

NATURE OF ACTION

1. Cavalry admits that Plaintiff attempts to assert claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*, and the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.* Cavalry lacks knowledge regarding Plaintiff's "GDCPA" claim. Cavalry denies it violated the FDCPA, FCRA, TCPA or "GDCPA."
2. Cavalry denies the allegations contained in Paragraph 2 of the Plaintiff's Complaint.

JURISDICTION AND VENUE

3. Cavalry admits that venue is proper.

PARTIES

4. Cavalry admits the allegations contained in Paragraph 4 of the Plaintiff's Complaint.
5. Cavalry admits it is a foreign company. Cavalry admits its registered agent in the State of Georgia is CT Corporation System at 1201 Peachtree Street, NE Atlanta, Georgia 30361. Cavalry denies it maintains an office at 7 Skyline

Drive, Hawthorne, New York 10532. Cavalry lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 5 of the Plaintiff's Complaint.

6. Cavalry admits it uses the mail and telephone in the business of purchasing unpaid accounts. Cavalry lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 6 of the Plaintiff's Complaint.
7. Cavalry admits Plaintiff owes an unpaid account. Cavalry denies the unpaid account is owed to another.
8. Cavalry denies the unpaid account is owed to another. Cavalry lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in Paragraph 8 of the Plaintiff's Complaint.
9. Cavalry denies the allegations contained in Paragraph 9 of the Plaintiff's Complaint.

COUNT I - FDCPA

10. Cavalry incorporates by reference the above paragraphs of this Answer as if fully stated therein.
11. Cavalry lacks knowledge or information sufficient to form a belief as to what correspondence Plaintiff allegedly mailed to or received from Cavalry. Cavalry admits it filed a lawsuit against Plaintiff to collect the unpaid account. Cavalry

admits it filed a dismissal for the collection action on July 10, 2014. Cavalry denies the remaining allegations contained in Paragraph 11 of the Plaintiff's Complaint.

COUNT II - FCRA

12. Cavalry denies the allegations contained in Paragraph 12 of the Plaintiff's Complaint.

COUNT III - TCPA

13. Cavalry denies the allegations contained in Paragraph 13 of the Plaintiff's Complaint.

FACTS

Cavalry denies the allegations contained in Plaintiff's unnumbered "Facts" section.

14. Cavalry denies all remaining allegations contained in Plaintiff's Complaint not specifically admitted herein.

WHEREFORE, Cavalry prays that Cavalry be dismissed with prejudice; that judgment be granted to Cavalry and that the relief requested by Plaintiff be denied; that all costs be taxed to Plaintiff; and for such other and further relief as the Court deems just and proper.

Respectfully submitted this 3rd day of December, 2014.

BEDARD LAW GROUP, P.C.

/s/ Jonathan K. Aust
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CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing Defendant Cavalry SPV LLC's Answer by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Frederick Lynch
2548 Kelly Lake Dr.
Decatur, Georgia 30032

Frederick J. Hanna & Associates, P.C.
Attn: Scott Groghan
2253 Northwest Parkway
Marietta, Georgia 30067

Respectfully submitted this 3rd day of December, 2014.

BEDARD LAW GROUP, P.C.

/s/ Jonathan K. Aust
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